

**Boston Road Development Corp. and Local 966,
International Brotherhood of Teamsters, AFL–
CIO,¹ Case AO–296**

June 8, 1992

ADVISORY OPINION

BY MEMBERS DEVANEY, OVIATT, AND
RAUDABAUGH

On May 5, 1992, the Petitioner, Boston Road Development Corp., filed a petition for an advisory opinion pursuant to Sections 101.39 and 102.98 et seq. of the Board's Rules and Regulations, seeking to determine whether the Board would assert jurisdiction over its operations.

In pertinent part, the petition alleges as follows:

1. There is currently pending before the New York State Employment Relations Board (NYSERB) a petition filed by the Union (Case No. SE-58147) under Section 705(3) of the New York State Labor Relations Act requesting to be certified as exclusive representative of certain of the Petitioner's employees.

2. The Petitioner is a New York corporation. It owns and operates a two apartment building unit located at 150/190 West Burnside Avenue, in Bronx, New York, consisting of 134 residential apartment units and 2 commercial units. Together, they constitute the apartment building unit at issue before the NYSERB.

3. During the 12-month period ending on or about March 31, 1992, the gross revenues received by the Petitioner for and on account of the 134 residential apartment units exceeded \$940,000, and the gross rev-

enues received for and on account of the 2 commercial units was \$26,400. During the same 12-month period, the Petitioner directly and/or indirectly purchased in excess of \$50,000 worth of goods and services from outside the State of New York.

4. The Petitioner is unaware whether the Union admits or denies the above commerce data, and the NYSERB has made no findings with respect thereto.

5. There are no representation or unfair labor practice proceedings involving the Petitioner and the Union pending before the Board.

Although all parties were served with a copy of the petition for an advisory opinion, none has filed a response thereto, as permitted by Section 102.101 of the Board's Rules and Regulations.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Having duly considered the matter, the Board is of the opinion that it would assert jurisdiction over the Petitioner. The Board has established a \$500,000 discretionary standard for asserting jurisdiction over apartment buildings. See *Parkview Gardens*, 166 NLRB 697 (1967). As the petition alleges that the total gross revenues received by the Petitioner from the operation of its two apartment building unit exceeds \$966,000, the Petitioner clearly satisfies the Board's discretionary jurisdictional standard. As the petition further alleges that the purchases of goods and services from outside the State of New York exceeded \$50,000, the Petitioner also satisfies the Board's statutory standard for asserting jurisdiction.

Accordingly, the parties are advised that, based on the foregoing allegations and assumptions, the Board would assert jurisdiction over the Petitioner.

¹ The name of the labor organization has been changed to reflect the new official name of the International Union.